

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SAN MARCOS
MAY 15, 2012

STATE OF TEXAS §
 §
COUNTY OF §
HAYS

1. Call to Order

2. Roll Call

Present/Council:

Wayne Becak
Kim Porterfield
Ryan Thomason
Shane Scott
Daniel Guerrero
John Thomaides
Jude Prather

City Staff:

Jim Nuse, City Manager
Collette Jamison, Assistant City Manager
Michael Cosentino, City Attorney
Jamie Lee Pettijohn, City Clerk
Tammy Cook, Deputy City Clerk

3. 5:00PM Executive Session in accordance with Section §551.072 of the Texas Government Code - deliberation regarding Real Property, to wit: receive an update regarding the possible acquisition of the Hays County Justice Center and United States Post Office.

MOTION: Upon a motion made by Council Member Shane Scott and seconded by Wayne Becak, the City Council voted (6) for and none (0) opposed, with Council Member Jude Prather absent from the dais, to enter closed session in accordance with Section §551.072 of the Texas Government Code - deliberation regarding Real Property, to wit: receive an update regarding the possible acquisition of the Hays County Justice Center and United States Post Office. . The motion carried.

4. Consider adoption or direction to Staff on matters discussed in Executive Session.

5. Receive a Staff presentation and hold a discussion regarding the Municipal Solid Waste

Task Force, and provide direction to Staff.

Amy Kirwin, provided a brief presentation on the Municipal Solid Waste Task Force.

6. Receive a Staff presentation and hold discussion regarding City population and demographics, and provide direction to Staff.

John Foreman provided a presentation on the City Population and Demographics.

7. Staff update on the Council Strategic Initiative of Community Wellness/Encourage the Middle Class, and provide direction to Staff.

Matthew Lewis, Director of Development Services provided the council with a presentation of the Strategic Initiative of Community Wellness.

8. Invocation

Pastor Randy Bryan with Bay Area Fellowship of San Marcos provided the invocation.

9. Pledges of Allegiance - United States and Texas

Council Member Ryan Thomason and Council Member Kim Porterfield led the pledges.

10.30 Minute Citizen Comment Period

The following citizens commented: 1. Paul Murray 2. Laura Weatherford 3. Ryan Schuermann 4. Marla Johnson 5. Betsy Robertson 6. Dianne Wassenich

Consent Agenda

11.Consider approval of the May 1, 2012, Regular Meeting Minutes.

12.Consider Resolution 2012-52R, rejecting all bids received in response to an invitation for bids for the Aquarena Springs Drive (Loop 82) sidewalk improvements project; and declaring an effective date.

MOTION: Upon a motion made by Council Member Thomason and seconded by Council Member Porterfield , the City Council voted (7) for and none (0) opposed, to approve Resolution 2012-52R, rejecting all bids received in response to an invitation for bids for the Aquarena Springs Drive (Loop 82) sidewalk improvements project; and declaring an effective date. . The motion carried.

13.Consider approval of Resolution 2012-53R awarding a construction contract to Capital Excavation Company for the Hopkins Street (SH 80) & Thorpe Lane Project in the bid amount of \$1,702,739.20 contingent upon the bidder's timely submission of sufficient bonds and insurance in accordance with the City's bid documents for the project and

contingent upon receipt of approval of the bid from the Texas Department of Transportation; authorizing the City Manager to execute the contract documents on behalf of the City and declaring an effective date.

14.Consider Resolution 2012-54R, awarding an annual contract to KBS Electrical Distributors in the estimated annual amount of \$55,749.00 and Texas Electric Cooperatives in the estimated annual amount of \$99,700.00, for the purchase of Three Phase Pad Mount Transformers; authorizing the Purchasing Manager to execute purchasing documents on behalf of the City, and declaring an effective date.

15.Consider approval of Resolution 2012-55R, changing authorized representatives for the Local Government Investment Cooperative (LOGIC) Pool Account; and declaring an effective date.

MOTION: Upon a motion made by Council Member John Thomaides and seconded by Shane Scott, the City Council voted (7) for and none (0) opposed, to approve Consent Agenda with the exception of item 12. This will be discussed separately. The motion carried.

Non Consent Agenda

16.Consider approval of Ordinance 2012-28, on the first of two readings, amending various sections of Chapter 86, Utilities, Article 2, Water, Division 2, Conservation, including adding definitions under Section 86.056, adding a director's determination for implementation of Drought Response Stages under Section 86.058, modifying restrictions applicable to irrigation, vehicle washing and swimming pools during applicable stages of Drought Response under Sections 86.059, 86.060, 86.061 and 86.062, allowing residential water customers to request a change to their designated weekday for restricted water uses day during drought response stages 2 and 3 under Section 86.064-1 and adding a new Section 86.064-2 to provide for a variance from certain watering restrictions for new landscape; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

MOTION: Upon a motion made by Council Member John Thomaides and seconded by Kim Porterfield, the City Council voted (7) for and none (0) opposed, to approve Motion to postpone. The motion carried.

17.Consider approval of Ordinance 2012-29, on the first of two readings, amending Subpart B, of the City of San Marcos City Code, Land Development, by repealing Chapter 1, Article 9, Division 4, - "Floodplain Permit" in its entirety; repealing Chapter 5, Article 4 - "Floodplain Development"; establishing a new Chapter 39 in Subpart A of the San Marcos City Code to be titled "Flood Damage Prevention"; repealing all ordinances or parts of ordinances in conflict therewith; providing a severance clause; finding and determining that the meetings at which the ordinance is passed are open to the public as required by law; providing for codification; and providing for and effective date.

MOTION: Upon a motion made by Council Member Shane Scott and seconded by Jude Prather, the City Council voted (5) for and none (0) opposed, with Council Member Shane Scott, and John Thomaides absent from the dais, to approve Ordinance 2012-29, on the first of two readings, amending Subpart B, of the City of San Marcos City Code, Land Development, by repealing Chapter 1, Article 9, Division 4, - "Floodplain Permit" in its entirety; repealing Chapter 5, Article 4 - "Floodplain Development"; establishing a new Chapter 39 in Subpart A of the San Marcos City Code to be titled "Flood Damage Prevention"; repealing all ordinances or parts of ordinances in conflict therewith; providing a severance clause; finding and determining that the meetings at which the ordinance is passed are open to the public as required by law; providing for codification; and providing for and effective date. The motion carried.

18. Consider approval of Ordinance 2012-30, on the first of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by amending the speed limit in both directions of Riverside Dr. from 30 miles per hour to 25 miles per hour; and including procedural provisions.

MOTION: Upon a motion made by Council Member Kim Porterfield and seconded by Jude Prather, the City Council voted (7) for and none (0) opposed, to approve Ordinance 2012-30, on the first of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by amending the speed limit in both directions of Riverside Dr. from 30 miles per hour to 25 miles per hour; and including procedural provisions. . The motion carried.

19. Consider approval of Ordinance 2012-31, on the first of two readings, amending Chapter 2, Article 3, Boards, Committees and Commissions, of the San Marcos City Code by establishing a Citizens Utility System Financial Advisory Board; providing for the composition and functions of the board; including procedural provisions and providing an effective date.

MOTION: Upon a motion made by Council Member Shane Scott and seconded by Ryan Thomason, the City Council voted (7) for and none (0) opposed, to approve Ordinance 2012-31, on the first of two readings, amending Chapter 2, Article 3, Boards, Committees and Commissions, of the San Marcos City Code by establishing a Citizens Utility System Financial Advisory Board; providing for the composition and functions of the board; including procedural provisions and providing an effective date. . The motion carried.

MOTION: Upon a motion made by Council Member John Thomaides, the City Council voted (7) for and none (0) opposed, to amend by changing the name from Citizens Utility System Financial Advisory Board to Citizens Utility Advisory Board. The motion carried.

MOTION: Upon a motion made by Council Member John Thomaides and seconded by Shane Scott, the City Council voted (6) for and (1) opposed, to amend Ordinance 2012-31, to include the language "including but not limited to". The motion carried.

20. Consider approval of Resolution 2012-56R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of CDBG funds for program year 2012; and declaring an effective date.

MOTION: Upon a motion made by Council Member Shane Scott and seconded by John Thomaides, the City Council voted (7) for and none (0) opposed, to approve Resolution 2012-56R, adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of CDBG funds for program year 2012; and declaring an effective date. The motion carried.

MOTION: Upon a motion made by Council Member Wayne Becak and seconded by John Thomaides, the City Council voted (7) for and none (0) opposed, to approve Resolution 2012-56R adopting the Community Development Block Grant (CDBG) Action Plan that provides for the allocation of CDBG funds for program year 2012; with the following allocation of funds: Southside Community Center – \$100,000 Habitat for Humanity – \$32,000 Unsafe Structures – \$40,000 Conway – \$177,460 Summerfun Program – \$3,840 Hays Women’s Center – \$25,000 Admin – \$94,310 1st time homebuyer program – \$56,000 Sustainable San Marcos - \$18,967 CASA of Central Texas - \$25,000. The motion carried.

21. Consider Resolution 2012-57R, approving an agreement between the City and Union Pacific Railroad in an amount not to exceed \$30,000.00 for the provision of preliminary engineering services in connection with the railroad quiet zones project; authorizing the City Manager to execute this agreement on behalf of the City, and declaring an effective date.

MOTION: Upon a motion made by Council Member Kim Porterfield and seconded by Jude Prather, the City Council voted (7) for and none (0) opposed, to postpone. The motion carried.

22. Consider approval of Resolution 2012-58R, responding to the application of Centerpoint Energy Entex, South Texas Division to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities"; requiring the reimbursement of costs; determining that the meeting at which the Resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.

MOTION: Upon a motion made by Council Member Ryan Thomason and seconded by Kim Porterfield, the City Council voted (7) for and none (0) opposed, to approve Resolution 2012-58R, responding to the application of Centerpoint Energy Entex, South Texas Division to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities"; requiring the reimbursement of costs; determining that the meeting at which the Resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date. The motion carried.

23. Receive a Staff presentation and hold a discussion on the proposed improvements to Hunter Road from Wonder World Drive to Bishop Street, as well as intersection improvements, and provide direction to staff.

24. Receive a Staff presentation and hold a discussion regarding the Planning and Zoning Commission's recommendation for the 2012-2022 Capital Improvements Program, and provide direction to Staff.

MOTION: Upon a motion made by Council Member Ryan Thomason and seconded by Kim Porterfield, the City Council voted (0) for and (7) opposed, to postpone. The motion carried.

25. Receive Quarterly Report from the Greater San Marcos Partnership, and provide direction to Staff.

26. Question and Answer Session with Press and Public

27. Adjournment

MOTION: Upon a motion made by Council Member Shane Scott and seconded by Jude Prather, the City Council voted (7) for and none (0) opposed, to adjourn. The motion carried.